

**FIRST ENGROSSMENT  
with Senate Amendments**

Fifty-seventh  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1013**

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of  
2 public instruction, the school for the deaf, the school for the blind, and the state library; to  
3 provide statements of legislative intent; and to amend and reenact subsection 1 of section  
4 15-40.1-16 or in the alternative to amend and reenact subsection 1 of section 15.1-27-26, and  
5 section 15.1-02-02 of the North Dakota Century Code, relating to supplemental transportation  
6 payments and the salary of the superintendent of public instruction.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the  
9 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
10 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
11 other income, to the department of public instruction, the school for the deaf, the school for the  
12 blind, and the state library for the purpose of defraying the expenses of their various divisions,  
13 for the biennium beginning July 1, 2001, and ending June 30, 2003, as follows:

14 Subdivision 1.

15 DEPARTMENT OF PUBLIC INSTRUCTION

16	Salaries and wages	\$9,085,148
17	Operating expenses	15,210,080
18	Equipment	344,140
19	Grants - Foundation aid and transportation	488,166,148
20	Grants - Revenue supplement payments	2,200,000
21	Grants - Tuition apportionment	67,239,025
22	Grants - Special education	49,898,695
23	Grants - Other grants	149,420,263
24	Geographic education	<u>50,000</u>

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1	Total all funds	\$781,613,499
2	Less estimated income	<u>232,691,705</u>
3	Total general fund appropriation	\$548,921,794
4	Subdivision 2.	
5		
6		
7	Salaries and wages	\$3,280,718
8	Operating expenses	1,718,498
9	Equipment	190,000
10	Capital improvements	<u>55,000</u>
11	Total all funds	\$5,244,216
12	Less estimated income	<u>4,353,250</u>
13	Total general fund appropriation	\$890,966
14	Subdivision 3.	
15		
16		
17	Salaries and wages	\$2,084,108
18	Operating expenses	1,135,660
19	Equipment	40,000
20	Grants	<u>1,453,745</u>
21	Total all funds	\$4,713,513
22	Less estimated income	<u>1,598,857</u>
23	Total general fund appropriation	\$3,114,656
24	Subdivision 4.	
25		
26		
27	Salaries and wages	\$4,911,183
28	Operating expenses	1,156,267
29	Equipment	60,190
30	Capital improvements	<u>45,410</u>
31	Total all funds	\$6,173,050
32	Less estimated income	<u>1,095,624</u>
33	Total general fund appropriation	\$5,077,426

DIVISION OF INDEPENDENT STUDY

STATE LIBRARY

SCHOOL FOR THE DEAF

1 Subdivision 5.

2 SCHOOL FOR THE BLIND

3	Salaries and wages	\$2,742,721
4	Operating expenses	662,238
5	Equipment	60,000
6	Capital improvements	<u>25,416</u>
7	Total all funds	\$3,490,375
8	Less estimated income	<u>1,357,821</u>
9	Total general fund appropriation	\$2,132,554
10	Grand total general fund appropriation H.B. 1013	\$560,137,396
11	Grand total special funds appropriation H.B. 1013	\$241,097,257
12	Grand total all funds appropriation H.B. 1013	\$801,234,653

13 **SECTION 2. APPROPRIATION - TUITION APPORTIONMENT.** The sum of  
14 \$67,239,025, or such greater or lesser sums as become available, included in the grants -  
15 tuition apportionment and estimated income line items in subdivision 1 of section 1 of this Act,  
16 are appropriated to the department of public instruction out of any moneys in the state tuition  
17 fund in the state treasury to the public schools of this state as provided in section 2 of article IX  
18 of the Constitution of North Dakota and chapter 15-44 for the biennium beginning July 1, 2001,  
19 and ending June 30, 2003.

20 **SECTION 3. EXPENDITURE AUTHORITY.** The superintendent of public instruction  
21 may expend funds appropriated in the foundation aid and transportation and special education  
22 grants line items in subdivision 1 of section 1 of this Act in payment of grants for education  
23 services that were due in the 1999-2001 biennium but which were not filed, claimed, or properly  
24 supported by the education provider in question until after June 30, 2001.

25 **SECTION 4. RED RIVER VALLEY WRITING PROJECT.** The operating expenses line  
26 item in subdivision 1 of section 1 of this Act includes \$20,000 from the general fund which must  
27 be used to support the Red River valley writing project during the biennium beginning July 1,  
28 2001, and ending June 30, 2003.

29 **SECTION 5. STANDARDS-BASED STUDENT TESTING.** The operating expenses  
30 line item in subdivision 1 of section 1 of this Act includes \$1,217,928 from the general fund  
31 which must be used to develop and administer student tests aligned with the state content

1 standards and to report the results of the tests during the biennium beginning July 1, 2001, and  
2 ending June 30, 2003.

3 **SECTION 6. COMPENSATION PAYMENTS TO TEACHERS AT STATE**

4 **INSTITUTIONS.** In addition to amounts otherwise appropriated for salary increases for  
5 teachers at the division of independent study, the school for the deaf, and the school for the  
6 blind, the amounts appropriated for salaries and wages in subdivisions 2, 4, and 5 of section 1  
7 of this Act include the following general fund amounts which must be used to increase teacher  
8 compensation by \$1,750 per year the first year of the biennium and by an additional \$1,750 per  
9 year the second year of the biennium:

10 Division of independent study	\$95,550
11 School for the deaf	\$97,125
12 School for the blind	\$73,763

13 **SECTION 7. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS.** It is

14 the intent of the fifty-seventh legislative assembly that the department of public instruction base  
15 budget request for the biennium beginning July 1, 2003, and ending June 30, 2005, include no  
16 more than 94.25 full-time equivalent positions.

17 **SECTION 8. LEGISLATIVE INTENT - DISTRIBUTION OF SPECIAL EDUCATION**

18 **AID.** It is the intent of the legislative assembly that the amount included in the grants - special  
19 education line item in subdivision 1 of section 1 of this Act be distributed as follows:

- 20 1. Twelve million six hundred sixty-five thousand dollars to reimburse school districts  
21 or special education units for excess costs incurred relating to contracts for  
22 students with disabilities.
- 23 2. Four hundred thousand dollars to reimburse school districts or special education  
24 units for gifted and talented programs upon the submission of an application that is  
25 approved in accordance with guidelines adopted by the superintendent of public  
26 instruction. The superintendent of public instruction shall encourage cooperative  
27 efforts for gifted and talented programs among school districts and special  
28 education units.
- 29 3. Any amount remaining in the line item must be distributed on a per student basis  
30 as required by section 15-40.1-07.6 or 15.1-27-10, excluding reimbursements for  
31 student contracts, boarding care, and gifted and talented programs. State special

1 education payments distributed as required by section 15-40.1-07.6 or 15.1-27-10  
2 must be reduced by the amount of matching funds required to be paid by school  
3 districts or special education units for students participating in the medicaid  
4 program. Special education funds equal to the amount of the matching funds  
5 required to be paid by the school district or special education unit must be paid by  
6 the superintendent of public instruction to the department of human services on  
7 behalf of the school district or unit.

8 **SECTION 9. LEGISLATIVE INTENT - TECHNOLOGY GRANTS.** It is the intent of the  
9 legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act include  
10 \$4,037,500 for grants to schools for technology or teacher professional development-related  
11 expenditures.

12 **SECTION 10. PAYMENTS FOR LIMITED ENGLISH PROFICIENT STUDENTS.**  
13 Payments to school districts educating limited English proficient students, as required by  
14 section 15-40.1-07.7 or 15.1-27-12, must be paid using up to \$650,000 of the amount  
15 appropriated in subdivision 1 of section 1 of this Act for grants - foundation aid and  
16 transportation.

17 **SECTION 11. INDIRECT COST ALLOCATION.** Notwithstanding section 54-44.1-15,  
18 the department of public instruction may deposit indirect cost recoveries in its operating  
19 account.

20 **SECTION 12. DISPLACED HOMEMAKER FUND.** The amount of \$251,747, or so  
21 much of the sum as may be necessary, included in the estimated income line item in  
22 subdivision 1 of section 1 of this Act is from the displaced homemaker fund for the purpose of  
23 providing services for displaced homemakers as provided in chapter 14-06.1 for the biennium  
24 beginning July 1, 2001, and ending June 30, 2003.

25 **SECTION 13. GRANTS.** The line item entitled grants in subdivision 3 of section 1 of  
26 this Act includes \$888,745 for aid to public libraries of which no more than one-half is to be  
27 expended during the fiscal year ending June 30, 2002.

28 **SECTION 14. FEES DEPOSITED IN OPERATING FUND.** Any moneys included in  
29 estimated income in subdivision 5 of section 1 of this Act, collected for subscription fees or  
30 braille fees, must be deposited in the school for the blind operating fund in the state treasury  
31 and must be spent subject to appropriation by the legislative assembly.

1           **SECTION 15. AMENDMENT.** If House Bill No. 1045 does not become effective,  
2 subsection 1 of section 15-40.1-16 of the 1999 Supplement to the North Dakota Century Code  
3 is amended and reenacted as follows:

4           1. There must be paid from state funds to each school district providing schoolbus  
5 transportation in contract schoolbuses or in district-owned and operated  
6 schoolbuses, and to school districts with students riding commercial buses to and  
7 from school, the following amounts:

8           a. For schoolbuses and school vehicles transporting students who live outside  
9 the incorporated limits of the city in which the students' school is located, a  
10 sum equal to twenty-five cents per mile [1.61 kilometers] for vehicles having a  
11 capacity of nine or fewer students and sixty-seven cents per mile [1.61  
12 kilometers] for schoolbuses having a capacity of ten or more students ~~and~~, for  
13 schoolbuses and school vehicles having a capacity of nine or fewer students  
14 and transporting students who live within the incorporated limits of a city in  
15 which the students' school is located, a sum equal to twenty-five cents per  
16 mile [1.61 kilometers], and for schoolbuses and school vehicles having a  
17 capacity of ten or more students and transporting students who live within the  
18 incorporated limits of a city in which the students' school is located, a sum  
19 equal to thirty-five cents per mile [1.61 kilometers]. School districts qualifying  
20 for payments for buses having a capacity of ten or more students are entitled  
21 to an amount equal to forty cents per day for each public school student living  
22 outside the city limits who is transported in such buses.

23           b. For students who ride schoolbuses or commercial buses to or from school  
24 and who live within the incorporated limits of the city within which the school  
25 that the students attend is located, a sum equal to twenty cents per student  
26 per one-way trip.

27           The mileage payments provided for in this subsection must be made to each  
28 school district for transporting students to and from school. Payments may be  
29 made only to school districts operating schoolbuses in accordance with the laws of  
30 this state relating to standards for schoolbuses, and to the qualifications of  
31 schoolbus drivers. Certification as to compliance with the laws of this state in

1            regard to schoolbuses and their drivers must be made in such manner and detail  
2            as the superintendent of public instruction may require at the time an application is  
3            made for payments provided under this subsection.

4            **SECTION 16. AMENDMENT.** Section 15.1-02-02 of the 1999 Supplement to the North  
5            Dakota Century Code is amended and reenacted as follows:

6            **15.1-02-02. Salary.** The annual salary of the superintendent of public instruction is  
7            ~~fifty-nine~~ sixty-nine thousand four six hundred thirty-seven forty-eight dollars through ~~June 30,~~  
8            ~~2000~~ December 31, 2001, ~~sixty~~ seventy-five thousand six nine hundred twenty-six sixteen  
9            dollars through ~~December 31, 2000~~ June 30, 2002, and ~~sixty-seven~~ seventy-seven thousand  
10           ~~six~~ four hundred ~~nineteen~~ thirty-four dollars thereafter.

11           **SECTION 17. AMENDMENT.** Subsection 1 of section 15.1-27-26 of the North Dakota  
12           Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative  
13           assembly, is amended and reenacted as follows:

- 14           1. Each school district providing transportation to students in contract schoolbuses or  
15           in district-owned and operated schoolbuses, and each school district with students  
16           riding commercial buses to and from school is entitled to receive the following  
17           amounts:
- 18           a. Twenty-five cents per mile [1.61 kilometers] for each schoolbus and school  
19           vehicle having a capacity of nine or fewer students and transporting students  
20           who reside outside the incorporated limits of the city in which the students'  
21           school is located.
  - 22           b. Sixty-seven cents per mile [1.61 kilometers] for each schoolbus and school  
23           vehicle having a capacity of ten or more students and transporting students  
24           who reside outside the incorporated limits of the city in which the students'  
25           school is located.
  - 26           c. Twenty-five cents per mile [1.61 kilometers] for each schoolbus and school  
27           vehicle having a capacity of nine or fewer students and transporting students  
28           who reside within the incorporated limits of a city in which the students' school  
29           is located.
  - 30           d. Thirty-five cents per mile [1.61 kilometers] for each schoolbus and school  
31           vehicle having a capacity of ten or more students and transporting students

- 1                    who reside within the incorporated limits of a city in which the students' school  
2                    is located.
- 3                    e. Twenty cents for each one-way trip by a student who rides a schoolbus or a  
4                    commercial bus to or from school and who resides within the incorporated  
5                    limits of the city in which the student's school is located.